

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1181

Affirmed
Ineligible
Reduction in Benefits

PROCEDURAL HISTORY: On August 10, 2015, the Oregon Employment Department (the Department) served notice of two administrative decisions: decision # 82857 concluded that from June 1 through November 1, 2014, (weeks 23-14 through 44-14), claimant received retirement pay which reduced his unemployment benefits; and decision # 121340 concluded that from July 12 through July 25, 2015, (weeks 28-15 and 29-15), claimant was ineligible to receive unemployment benefits because he received retirement pay. Claimant filed timely hearing requests. On September 21, 2015, ALJ Vincent conducted a hearing and on September 25, 2015, issued Hearing Decision 15-UI-44947, which affirmed decision # 82857,¹ and Hearing Decision 15-UI-44952, which affirmed decision # 121340. On October 5, 2015, claimant filed applications for review of both hearing decisions.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 15-UI-44947 and 15-UI-44952. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2015-EAB-1181 and 2015-EAB-1182).

EAB reviewed the entire hearing record in both cases. On *de novo* review and pursuant to ORS 657.275(2), the hearing decisions under review are **adopted**.

DECISION: Hearing Decisions 15-UI-44947 and 15-UI-44952 are affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: October 7, 2015

¹ In the order section of Hearing Decision 15-UI-44947, the ALJ affirmed decision # 82857, but stated that claimant was not eligible to receive unemployment benefits for weeks 28-15 and 29-15. This was a typographical error, which we correct in this decision. We clarify that by adopting Hearing Decision 15-UI-44947, we conclude that from June 1 through November 1, 2014, claimant received retirement pay which reduced his unemployment benefits.

NOTE: You may appeal this decision by filing a Petition for Judicial Review with the Oregon Court of Appeals within 30 days of the date of service listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310 or visit the Court of Appeals website at courts.oregon.gov. Once on the website, use the ‘search’ function to search for ‘petition for judicial review employment appeals board’. A link to the forms and information will be among the search results.

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